

HB 1771 - S COMM AMD

By Committee on Early Learning, K-12 & Higher Education

ADOPTED 04/15/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.235.160 and 2004 c 54 s 2 are each amended to
4 read as follows:

5 (1) For the purposes of this section:

6 (a) "Free or reduced-price lunch" means a lunch served by a school
7 district participating in the national school lunch program to a
8 student qualifying for national school lunch program benefits based on
9 family size-income criteria.

10 (b) "School lunch program" means a meal program meeting the
11 requirements defined by the superintendent of public instruction under
12 subsection ~~((+4))~~ (2)(b) of this section.

13 (c) "School breakfast program" means a program meeting federal
14 requirements defined in 42 U.S.C. Sec. 1773.

15 (d) "Severe-need school" means a school that qualifies for a
16 severe-need school reimbursement rate from federal funds for school
17 breakfasts served to children from low-income families.

18 (e) "Summer food service program" means a meal or snack program
19 meeting the requirements defined by the superintendent of public
20 instruction under subsection ~~((+5))~~ (4) of this section.

21 (2) School districts shall implement a school lunch program in each
22 public school in the district in which educational services are
23 provided to children in any of the grades kindergarten through four and
24 in which twenty-five percent or more of the enrolled students qualify
25 for a free or reduced-price lunch. In developing and implementing its
26 school lunch program, each school district may consult with an advisory
27 committee including school staff, community members, and others
28 appointed by the board of directors of the district.

29 ~~((+3))~~ (a) Applications to determine free or reduced-price lunch
30 eligibility shall be distributed and collected for all households of

1 children in schools containing any of the grades kindergarten through
2 four and in which there are no United States department of agriculture
3 child nutrition programs. The applications that are collected must be
4 reviewed to determine eligibility for free or reduced-price lunches.
5 Nothing in this section shall be construed to require completion or
6 submission of the application by a parent or guardian.

7 ~~((4))~~ (b) Using the most current available school data on free
8 and reduced-price lunch eligibility, the superintendent of public
9 instruction shall adopt a schedule for implementation of school lunch
10 programs at each school required to offer such a program under
11 subsection (2) of this section as follows:

12 ~~((a))~~ (i) Schools not offering a school lunch program and in
13 which twenty-five percent or more of the enrolled students are eligible
14 for free or reduced-price lunch shall implement a school lunch program
15 not later than the second day of school in the 2005-06 school year and
16 in each school year thereafter.

17 ~~((b))~~ (ii) The superintendent shall establish minimum standards
18 defining the lunch meals to be served, and such standards must be
19 sufficient to qualify the meals for any available federal
20 reimbursement.

21 ~~((c))~~ (iii) Nothing in this section shall be interpreted to
22 prevent a school from implementing a school lunch program earlier than
23 the school is required to do so.

24 ~~((5))~~ (3) To extent funds are appropriated for this purpose, each
25 school district shall implement a school breakfast program in each
26 school where more than forty percent of students eligible to
27 participate in the school lunch program qualify for free or reduced-
28 price meal reimbursement by the school year 2005-06. For the second
29 year before the implementation of the district's school breakfast
30 program, and for each subsequent school year, each school district
31 shall submit data enabling the superintendent of public instruction to
32 determine which schools within the district will qualify for this
33 requirement. Schools where lunch programs start after the 2003-04
34 school year, where forty percent of students qualify for free or
35 reduced-price meals, must begin school breakfast programs the second
36 year following the start of a lunch program.

37 (4) Each school district shall implement a summer food service
38 program in each public school in the district in which a summer program

1 of academic, enrichment, or remedial services is provided and in which
2 fifty percent or more of the children enrolled in the school qualify
3 for free or reduced-price lunch. However, the superintendent of public
4 instruction shall develop rules establishing criteria to permit an
5 exemption for a school that can demonstrate availability of an adequate
6 alternative summer feeding program. Sites providing meals should be
7 open to all children in the area, unless a compelling case can be made
8 to limit access to the program. The superintendent of public
9 instruction shall adopt a definition of compelling case and a schedule
10 for implementation as follows:

11 (a) Beginning the summer of 2005 if the school currently offers a
12 school breakfast or lunch program; or

13 (b) Beginning the summer following the school year during which a
14 school implements a school lunch program under subsection ~~((4))~~
15 (2)(b) of this section.

16 ~~((6))~~ (5) Schools not offering a breakfast or lunch program may
17 meet the meal service requirements of subsections (2)(b) and (4) ~~(and~~
18 ~~(5))~~ of this section through any of the following:

19 (a) Preparing the meals on-site;

20 (b) Receiving the meals from another school that participates in a
21 United States department of agriculture child nutrition program; or

22 (c) Contracting with a nonschool entity that is a licensed food
23 service establishment under RCW 69.07.010.

24 ~~((7))~~ (6) Requirements that school districts have a school lunch,
25 breakfast, or summer nutrition program under this section shall not
26 create or imply any state funding obligation for these costs. The
27 legislature does not intend to include these programs within the
28 state's obligation for basic education funding under Article IX of the
29 state Constitution.

30 ~~((8))~~ (7) The requirements in this section shall lapse if the
31 federal reimbursement for any school breakfasts, lunches, or summer
32 food service programs is eliminated.

33 ~~((9))~~ (8) School districts may be exempted from the requirements
34 of this section by showing good cause why they cannot comply with the
35 office of the superintendent of public instruction to the extent that
36 such exemption is not in conflict with federal or state law. The
37 process and criteria by which school districts are exempted shall be

1 developed by the office of the superintendent of public instruction in
2 consultation with representatives of school directors, school food
3 service, community-based organizations and the Washington state PTA.

4 **Sec. 2.** 2004 c 54 s 1 (uncodified) is amended to read as follows:

5 The legislature recognizes that hunger and food insecurity are
6 serious problems in the state. Since the United States department of
7 agriculture began to collect data on hunger and food insecurity in
8 1995, Washington has been ranked each year within the top ((five)) ten
9 states with the highest levels of hunger. A significant number of
10 these households classified as hungry are families with children.

11 The legislature recognizes the correlation between adequate
12 nutrition and a child's development and school performance. This
13 problem can be greatly diminished through improved access to federal
14 nutrition programs.

15 The legislature also recognizes that improved access to federal
16 nutrition and assistance programs, such as the federal food stamp
17 program and child nutrition programs, can be a critical factor in
18 enabling recipients to gain the ability to support themselves and their
19 families. This is an important step towards self-sufficiency and
20 decreased long-term reliance on governmental assistance and will serve
21 to strengthen families in this state."

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22 On page 1, line 1 of the title, after "programs;" strike the
23 remainder of the title and insert "amending RCW 28A.235.160; and
24 amending 2004 c 54 s 1 (uncodified)."

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